

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Javier ALARCON et al. Confirmation No.: 4139
Application No.: 10/721,797 Group Art Unit: 3768
Filed: November 26, 2003 Examiner: Berhanu, E.D.
For: FIBER OPTIC DEVICE FOR SENSING ANALYTES

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

**REQUEST FOR CONTINUED
EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114
 - a. ☒ Previously submitted:
 - i. ☒ Please enter and consider the attached Reply and Amendment previously filed on March 10, 2008.
 - ii. ☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
 - b. ☐ Enclosed:
 - i. ☐ Amendment
 - ii. ☐ Information Disclosure Statement and PTO-1449
 - iii. ☐ Statement Accompanying Substitute Sequence Listing; Sequence Listing and diskette
 - iv. ☐ Revocation of Prior Power of Attorney and Appointment of New Attorney by Assignee

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other _____.

3. Fees Calculation

- a. RCE Fee required under 37 C.F.R. § 1.17(e)

- ☒ **\$810.00**
- ☐ \$405.00 (for small entity)

- b. Additional Claims

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	32	minus	44	0	x \$50 each =	+ \$0
Independent Claims (37 C.F.R. § 1.16(b))	1	minus	3	0	x \$210 each =	+ \$0
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$370.00	+ \$0
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$0

c. Extension of Time

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 230.00
<input checked="" type="checkbox"/> three months	\$ 1,050.00	\$ 525.00
<input type="checkbox"/> four months	\$ 1,640.00	\$ 820.00
<input type="checkbox"/> five months	\$ 2,230.00	\$1,115.00

- ☒ An extension for **1** month has already been secured and the fee paid therefor of **\$120.00** is deducted from the total fee due for the total months of extension now requested.

- ☒ The extension of time fee for this request: **\$930.00.**

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Payment


- ☒ The Director is hereby authorized to charge the Deposit Account No. 50-0310 in the total amount of **\$1,740.00.**

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By:



Todd B. Buck
Reg. No. 48,574

Dated: May 8, 2008

Customer No. 009629

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